

CITY OF LEWISTON

CITY COUNCIL

JUNE 20, 2000

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Gousse, Bernier, Carignan, Jean, Samson, Bilodeau, Adams, Acting City Administrator Phil Nadeau, Student Representative Karen Gagnon, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (1)

Motion by Councilor Carignan, seconded by Councilor Samson:

To dispense with the reading of the minutes of the June 6, 2000, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

Report from City Council's Student Representatives

Karen Gagnon reported that she is getting ready to attend the National Youth Conference and needed the Council's suggestion on developing an action plan for the conference. Each student participant is required to identify one needed project or program in their community that they can work to develop an action plan for during the conference. Topics mentioned included a youth council, teen center, transportation issues and the youth curfew.

COMMITTEE APPOINTMENTS

VOTE (2)

Motion by Councilor Adams, seconded by Councilor Samson:

To confirm the Council President's nomination and to appoint Roland Girardin, 36 Chadbourne Road, to a 5 year term on the Board of Appeals, said term to expire January 4, 2005.

To confirm the Council President's nomination and to appoint Elaine Makas, 10 Sheffield Avenue, to a 5 year term as an associate member of the Board of Appeals, said term to expire January 4, 2005.

To confirm the Council President's nomination and to appoint Norman Prevost, 36 Barron Avenue, to a 5 year term as an associate member of the Board of Appeals, said term to expire January 3, 2001. Passed - Vote 7-0

RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT

VOTE (3)

Motion by Councilor Carignan, seconded by Councilor Samson:

To ratify the Collective Bargaining Agreement between the City of Lewiston and AFSCME, Council #93, said agreement being for the period of July 1, 2000 to June 30, 2001, and to authorize the Mayor to sign the agreement on behalf of the City of Lewiston.
Passed - Vote 7-0

PUBLIC HEARING FOR MIXED USE STRUCTURES

Mayor Tara opened the public hearing and no members of the public spoke for or against this issue.

VOTE (4)

Motion by Councilor Samson, seconded by Councilor Jean:

That the proposed amendment to Appendix A, Article II "Definitions", Section 2, "Definitions", of the City Zoning and Land Use Code, to amend the definition of mixed use structures, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of July 18 for final passage. Passed - Vote 7-0

PUBLIC HEARING CONCERNING FRONTAGE

Mayor Tara opened the public hearing and no members of the public spoke for or against this issue.

VOTE (5)

Motion by Councilor Samson, seconded by Councilor Jean:

That the proposed amendment to Appendix A, Article II "Definitions", Section 2, "Definitions", of the City Zoning and Land Use Code, to amend the definition of frontage, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of July 18 for final passage. Passed - Vote 7-0

PUBLIC HEARING CONCERNING FAMILY DAY CARE HOMES

Planning Director Jim Lysen updated on the Council on this proposed amendment which would allow for family day care homes located within the Neighborhood Conservation A District to have two additional children, once the business receives a conditional use permit from the City.

Mayor Tara opened the public hearing. Estelle Rubinstein, executive director of the

Androscoggin Head Start, addressed the Council in support of this item and outlined the urgent need for additional child care in the area. Local child care providers Rita Gagnon, Sandy Fournier and Linda Pollack all spoke in support of this amendment as well.

VOTE (6)

Motion by Councilor Samson, seconded by Councilor Carignan:

That the proposed amendment to Appendix A, Article XI "District Regulations", Section 5, "Neighborhood Conservation A District, of the City Zoning and Land Use Code, to amend the regulations for family day care homes, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of July 18 for final passage. Passed - Vote 6-1 (Councilor Gousse opposed.)

**PUBLIC HEARING FOR CONDITIONAL REZONING
AT 258 RUSSELL STREET**

Mayor Tara opened the public hearing and no members of the public spoke for or against this issue.

VOTE (7)

Motion by Councilor Samson, seconded by Councilor Jean:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone 258 Russell Street from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) District, subject to a conditional agreement and that the public hearing be continued to the meeting of July 18 for final passage.
Passed - Vote 7-0

At this time, the applicant, Mr. Peterson of Peterson's Machine Shop, inquired about the possibility of having final passage for this issue during this Council meeting, since the next Council meeting will be in one month. Since no members of the public spoke against this issue at the public hearing, the Councilors had no objection to Mr. Peterson's request.

VOTE (8)

Motion by Councilor Carignan, seconded by Councilor Bilodeau:

To waive the Rules Governing City Council Procedure and to hold final passage at this time. Passed - Vote 7-0

VOTE (9)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone 258 Russell Street from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) District, subject to a conditional agreement.
Passed - Vote 7-0

CREATION OF THE LAND DEVELOPMENT INVESTMENT FUND

Development Director Greg Mitchell provided an overview of this proposal and presented a Resolution for the Council to consider for establishing this Fund. The Council requested additional time to review the details of the Resolution and suggested this be reviewed during a workshop session. Councilors chose to support a motion to protect project funds for the current fiscal year, but to defer other details until a workshop.

VOTE (10)

Motion by Councilor Carignan, seconded by Councilor Samson:

To establish the Land Development Investment Fund for the purposes of maintaining the \$375,000 for the currently committed project funding and to request the Development Department present information and details of the LDIF at a Council workshop.
Passed - Vote 7-0

DISCONTINUANCE OF A PORTION OF CANAL STREET ALLEY

Public Works Director Chris Branch stated the Street Committee met to review this area and recommends the Council discontinue this portion of Canal Street Alley.

VOTE (11)

Motion by Councilor Samson, seconded by Councilor Jean:

That the Order vacating and discontinuing a portion of Canal Street Alley, as recommended by the Street Committee and the Planning Board, be adopted.
Passed - Vote 7-0

(Original Order on file in the City Clerk's Office.)

ACCEPTANCE OF WATER'S EDGE DRIVE

Public Works Director Chris Branch stated the Street Committee met to review the road and since the road meets all of the standards and requirements, the Street Committee recommends acceptance of Water's Edge Drive.

VOTE (12)

Motion by Councilor Samson, seconded by Councilor Carignan:

ORDERED, That Water's Edge Drive, with the boundaries and measurements of the same, as laid out and reported by the Street Committee, be hereby accepted, allowed and established as a public street or public way for the use of the City of Lewiston.
Passed - Vote 7-0

DISCUSSION REGARDING SHAKER'S RESTAURANT & LOUNGE

The Code Enforcement Officer, Police Chief and Acting City Administrator provided the Council with background on this issue. In December 1999, Shaker's Restaurant and Lounge opened on Lisbon Street. The business was issued a special amusement permit from the City for live entertainment. The commercial building is located approximately eight feet from the exterior wall of the abutting property, which is an apartment building. The building owner/occupant has contacted the Police Department many times for the past several months regarding excessive noise from Shakers, noise late at night from bands, and so forth.

Mayor Tara invited Michael Berube, the owner of Shakers and the family of Ms. Doyon, the neighbor, to address the Council. Mr. Berube stated he has been working on noise reduction efforts and has eliminated the number of times bands play each week. Family members of Ms. Doyon spoke and presented their documentation regarding numerous calls to the Police Department regarding noise levels late at night. Councilors asked questions of both parties for additional clarification of the issue.

VOTE (13)

Motion by Councilor Gousse, seconded by Councilor Samson:

To schedule a public hearing for 7:00pm, Tuesday, June 27 to consider the possibility of revoking, suspending or amending the special amusement permit for Shaker's Restaurant & Lounge. Passed - Vote 7-0

PROPOSED PAY INCREASE FOR SALARIED EMPLOYEES**VOTE (14)**

Motion by Councilor Jean, seconded by Councilor Carignan:

That all administrative, supervisory and professional/technical employees covered by the Salaried Employees Pay Plan be granted a merit pay increase, not to exceed 3%, effective the first pay period of July 2000, and that the pay plan be adjusted by increasing the maximum by 3%. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMITS**VOTE (15)**

Motion by Councilor Jean, seconded by Councilor Carignan:

To grant a Special Amusement Permit for Dancing and Entertainment to Schemengee's Billiards, 15 Lincoln Street. Passed - Vote 7-0

VOTE (16)

Motion by Councilor Jean, seconded by Councilor Carignan:

To grant a Special Amusement Permit for Dancing and Entertainment to the Festival De Joie Committee for the annual Festival to be held at the Central Maine Civic Center on August 4, 5 and 6, 2000. Passed - Vote 7-0

DEVELOPMENT ASSISTANCE FOR THE TROLLEY MEDICAL BUILDING

VOTE (17)

Motion by Councilor Carignan, seconded by Councilor Bilodeau:

To authorize the Acting City Administrator to enter into a Development Assistance Agreement to provide additional municipal support in the form of a \$325,000 loan to be funded by a future City bond issue or tax increment financing revenue. Passed - Vote 7-0

REQUEST TO USE KENNEDY PARK

VOTE (18)

Motion by Councilor Jean, seconded by Councilor Carignan:

To authorize the L & A Veterans Council to use Kennedy Park from May 30 - June 4, 2001, for the Vietnam Traveling Wall exhibit, subject to the following conditions:

1. Area to be kept properly cleaned by the L & A Veterans Council.
2. Security, satisfactory to the Police Chief, to be provided at the expense of L & A Veterans Council.
3. Appropriate insurance and fire safety certificates.
4. Compliance with City ordinances and policies.

Passed - Vote 7-0

APPLICATION SUBMITTED UNDER TITLE 36, SECTION 841

VOTE (19)

Motion by Councilor Samson, seconded by Councilor Carignan:

To approve the applicants request to abate the property tax balance of \$867.20 for tax year 2000 in accordance with Title 36, Section 841 (2) and to specify that the applicant:

- 1) be required to contact Community Concepts, and any other applicable agency, for assistance on home budgeting and other possible financial assistance;
- 2) be required to contact City Treasurer Paul Labrecque to immediately establish a property tax payment plan

3) be encouraged to utilize the proceeds received from the Maine State Property Tax Reimbursement program to meet the owner's annual property tax obligation.

Passed Vote 7-0

OTHER BUSINESS

Councilors wished Councilor Gousse a Happy 40th Birthday.

Mr. Vincent Blais commented on the funding for the Trolley Medical Building assistance. He stated that he does not support the Council's vote to provide additional financial support for this project.

VOTE (20)

Motion by Councilor Carignan, second by Councilor Gousse:

To adjourn at 10:30 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine